

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DONTE HILL	:	Case No. 1:19cv308
	:	
Plaintiffs	:	Judge
	:	
v.	:	<u>NOTICE OF REMOVAL</u>
	:	
CITY OF CINCINNATI, et al.,	:	(Hamilton County Common Pleas
	:	Case No. A1902021)
Defendants.	:	
	:	

Defendant City of Cincinnati (“City”) files this Notice of Removal of the above state court action to the United States District Court for the Southern District of Ohio, Western Division, from the Court of Common Pleas for Hamilton County, Ohio, as provided by 28 U.S.C. § 1441. The City was served on April 26, 2019. A true and correct copy of the Complaint filed in the state court action is attached as Exhibit A. A true and accurate copy of the Motion for Temporary Restraining Order and/or Preliminary Injunction is attached as Exhibit B. No other pleadings have been filed in the state court action.

In accordance with 28 U.S.C. § 1446, the City makes the following statements setting forth the grounds for removal:

1. Pursuant to 28 U.S.C. § 1441(a), the City may remove any civil action over which a district court has jurisdiction to the district and division embracing the place where a state court action is pending.

2. The City is entitled to remove this action because this Court has original jurisdiction over the claims of the Complaint pursuant to 28 U.S.C. § 1331. The state court case arises out of

an employment discrimination claim under ORC § 4112.02 and a due process claim under 42 USC § 1983.

3. This Notice of Removal is timely filed, pursuant to 28 U.S.C. § 1446(b), because City was served on April 26, 2019.

4. Removal to this court is proper under 28 U.S.C. § 1446(a) because the Southern District of Ohio is the district within which the lawsuit was pending prior to removal.

5. City of Cincinnati, Eliot Isaac, and Patrick Duhaney are the named defendants, all of whom consent to removal.

6. Concurrently with its filing of this Notice of Removal, the City served written notice to Plaintiff and with the Court of Common Pleas, Civil Division, Hamilton County, Ohio, in accordance with 28 U.S.C. § 1446(d).

The City requests that the state court action, case number A1902021, now pending in the Court of Common Pleas for Hamilton County, Ohio, be removed to the United States District Court for the Southern District of Ohio, Western Division.

Respectfully submitted,
PAULA BOGGS MUETHING (0080018)
CITY SOLICITOR

/s/ Emily Smart Woerner

Emily Smart Woerner (0089349)
Chief Counsel - Litigation
William C. Hicks (0068565)
Assistant City Solicitor
Room 214, City Hall
801 Plum Street
Cincinnati, Ohio 45202
Phone: (513) 352-3307
Fax: (513) 352-1515
emily.woerner@cincinnati-oh.gov
william.hicks@cincinnati-oh.gov
Trial counsel for City Defendants

CERTIFICATE OF SERVICE

I hereby certify on April 29, 2019 that a true and accurate copy of the foregoing was filed electronically. Notice of this filing will be sent electronically unless otherwise indicated:

Zachary Gottesman
Gottesman & Associates, LLC
36 East 7th Street, Suite 1650
Cincinnati, OH 45202
zg@zgottesmanlaw.com

Robert J. Thumann
Crehan & Thumann, LLC
404 E. 12th Street, Second Floor
Cincinnati, OH 45202
thumann@ctlawcincinnati.com

/s/ Emily Smart Woerner

Emily Smart Woerner (0089349)